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Pranevičienė, B. & Margevičiūtė, A. (2012). Lithuania. In C. L. Glenn & J. De Groof (Eds.), *Balancing freedom, autonomy and accountability in education: Volume 2* (289-298). Tilburg, NL: Wolf Legal Publishers.

Overview

Elementary and secondary levels of education comprise two mandatory parts of the formal educational system of Lithuania, and are divided into primary, intermediate and secondary levels of education. According to the Constitution of Republic of Lithuania education until the age of 16 is mandatory. Primary education is commenced when a child turns 7. After completing primary and intermediate education levels, the students may choose formal secondary or formal vocational education. As a general rule, all those who continue their education on a secondary education level complete their education at age 18.

All together elementary and secondary education lasts for 12 years. Primary education continues for 4 years and is comprised of 4 primary level grades. Intermediate education continues until 10th grade, thus another 6 years. Secondary education continues for another 2 years until the 12th grade. Elementary and secondary education is mostly provided and fully funded by the state public schools. Only a very small percentage of elementary and secondary education is provided by privately established schools.

Over the period of independence, some issues concerning the structure of schooling

were observed, which are currently being resolved by implementing the optimization program. In 2004, following previous recommendations regarding the system of formal education, the process of optimization of the educational network was initiated. It is foreseen that by 2015 the mandatory education shall only have the levels of – primary, pro-gymnasium, intermediate and gymnasium levels, i.e., there shall be no more secondary level.

First, the aim of the reorganization of the educational system is to optimize the number of schools within the educational system, in order to maintain an optimal balance between the number of students in a class, within a certain administrative region (city or rural area). This, in some cases, poses certain issues for schools in more remote areas. The dynamics of demographics influence the process of optimization of educational network by putting children of rural areas in a slightly disadvantageous position by making the school less accessible for children living in rural areas than for those who live in the cities. However, the state compensates this disadvantage by providing an effective system of school transportation: each administrative district ensures that every minor of school age is properly transported and attends school. Therefore, the children living in more remote areas are not in any way discriminated against in their right to education.

A second issue related to education of children that has become apparent over the last two decades is ensuring the right to education in light of emigration for employment. Lithuania makes education mandatory for all until the age of 16, and puts an obligation on parents (or guardians) to make sure that their minor actually have proper conditions to access the obligatory education provided by the state. However, the vast number of adults who have emigrated to foreign countries influences the status of the children in respect to their right to education. In some cases, children are left in care of their close relatives (grandparents, aunts, uncles, etc.). Until now there is no official tracking system that would ensure monitoring of the children who are temporarily left without the care of their immediate parents, there is no duty of parents to notify the school about the change of their child's immediate caregivers; the child is usually tended to with less discipline and demand. Hence, in some cases the children might develop bad disciplinary habits of skipping classes and the school cannot take proper measures in demanding that parents ensure that children attend school.

The structure of schooling

According to Article 6 of the Law on Education of the Republic of Lithuania,¹ the educational system consists of formal and non-formal education, self-education, and

educational assistance. The extent of the educational system has expanded over time and currently each of the branches of educational system encompasses different stages, levels and forms of education.

The main purpose of *primary education* is to provide for an individual the basics of moral and social maturity, culture, elementary literacy, and help in preparing to continue intermediate education. A child commences primary education when he or she becomes 7 years of age in the year of commencement of primary education. Under request of the parents, primary education may be commenced one year earlier, i.e., at the age of 6. The Law on education provides for an optional educational model for those minors who have special conditions and can be educated under conditions of home schooling.²

Intermediate education is provided to minors who have acquired primary education and is directed at providing maturity of moral, socio-cultural and civic nature, general literacy, technology skills, developing national awareness, acquiring goals and ability to make a decision related to choosing the next level of schooling (secondary or vocational). Intermediate education continues for 6 years and is divided into two parts of 4 and 2 year periods. The first period of four years encompasses a period of general studies, the second period encompasses two years of general studies, which can include modules of vocational education programs; intermediate education can be implemented together with education in art, music, sports and other.³

Secondary education is provided to children who have acquired intermediate education and is aimed at providing general objective, socio-cultural, technological literacy, developing moral, national, and civic maturity, elementary professional knowledge. Secondary education continues for a period of two years according to a program that consists of obligatory or optional courses, as well as an educational module related to developing professional competency (in such a case secondary education may last longer). The period of secondary education is completed after the period of two (or more, if applicable) years and taking secondary level final exams.⁴

The legal framework

Constitutional Regulation of education in Lithuania goes back to 1922, when the first permanent Constitution of the Republic of Lithuania was adopted. Until then education and individual rights to science and education were not subjects of legal regulation.

After re-establishment of the independent State of Lithuania, the new Constitution of

1992 determined the main aspects of structure and operation of the educational system of Lithuania. The Constitution of the Republic of Lithuania ensures and protects the right to education. Article 40 determines that there are state and non-state educational institutions, which, as a rule, are secular, however a right to receive religious education at the request of parents remains. The State has an obligation to oversee the activities of such institutions. Private parties have the right to establish non-state institutions of science and education. Article 41 of the Constitution provides that: “education shall be compulsory for persons under the age of 16; education at State and municipal schools of general education, vocational schools and schools of further education shall be free of charge; higher education shall be accessible to everyone according to his individual abilities.

Citizens who are good at their studies shall be guaranteed education at State schools of higher education free of charge.”⁵ Secondary education is not only a right, but also a duty, and children are required to attend school until they are 16 years of age. Freedom of expression, culture, science and research, as well as state support for culture and science is embedded in Article 42. Article 45 embeds an important provision related to independence of ethnic communities while managing issues of their ethnic culture and education. According to Article 38 of the Constitution “the right and duty of parents is to bring up their children to be honest people and faithful citizens and to support them until they come of age”,⁶ which encompasses the duty of parents (or guardians) related to the right of education to make sure that children attend school and acquire proper schooling.

The right to education is further detailed in other national laws adopted by the Parliament and legal regulations, such as ministerial decisions, orders of the Minister of Education and Science, legal regulations adopted at municipal levels. Policy of education is embedded in guidelines and strategies that are adopted at the level of national and municipal governments and that serve as required prerequisites for future legislation and legal regulation. For example, the Strategy of Education for the year 2003 – 2012 included long term guidelines for reorganization of the educational system.

The main law regulating the educational system is the Law on Education,⁷ which determines aims and principals of the system of education, its structure, activity, relations within the educational system, as well as state obligations in education. The Law was adopted in 1991 and has been significantly amended since then – only in 1994 the notion of educational institution was defined, the institutions were separated into state (formal) and non-state (non-formal) institutions, in 2003 the Law embedded notions of formal and non-formal institutions, self- education and assistance for students, teachers and schools, etc.

It is important to emphasize, that by making education compulsory until the age of 16, the State is obliged to provide such education free of charge (Article 41 of the Constitution). The system of financing of education provides that each individual who comes of school age is provided with the so called 'student purse,' the amount necessary to school a child in an educational institution. The student purse is 'tied' to the student whether he or she goes to a state or a non-state school. The difference between state and non-state schools is that the state school shall always be free of charge, while a non-state institution may charge their students any extra charges according to an inner order of that particular school. Therefore, students are not discriminated against when it comes to the financing of their education.

Freedom to establish non-state schools

All schools in the system of formal education are also differentiated between state-schools (public schools) and non-state schools (private schools). This differentiation is based on who is the establisher of a school. In general terms, a state-school is a school established by state institutions (the Parliament, the Government, the ministries, other state institutions) separately or together with other state institutions or individuals. The state-schools are also divided into schools of state and municipal level. There are currently 32 state level schools and 1241 municipal school registered in Lithuania.⁸

A non-state school is a school that is established by institutions or entities or individuals other than Lithuanian state institutions. In general, any individual, private or public entity can establish a non-state school, as long as they meet the norms of establishment for schools foreseen in the hygienic norms determined by the order of the Minister of Health.⁹ These norms determine the number of students allowed, requirements for classrooms, other teaching and general facilities, teaching equipment, size of facilities, commencement and conclusion of classes, etc.

There are currently 32 non-state schools registered in Lithuania.¹⁰ Formally, state-schools have better off conditions than non-state schools, because the latter are burdened by high costs of establishment and further maintenance. Both state-schools and non-state formal education institutions are fully supported from the national budget, because of the way the financing of the education is set up, how the student purse is 'tied' to the student no matter which school he or she chooses. However, non-state schools might charge extra costs for attending.

As a rule almost all non-state formal institutions are public entities, and their establishers are individuals or public non-profit institutions. The general opinion is

that the formal non-state educational institutions provide an education more oriented towards religious, philosophical, secular outlooks of parents and children.

There are no denominational state schools, only denominational non-state schools. However, that does not mean that these schools do not receive funding from the state. Such schools are supported from tuition paid by the students (if applicable) and also receive a state subsidy from each student purse from the state. State funded denominational schools comprise a rather small number of all state funded schools. Statistical on-line information regarding this matter is currently unavailable, because the State does not gather such information.

Homeschooling

There is a possibility to educate children at home, however, this can only be done only under certain conditions. Article 9.3 of the Law on Education is related to elementary education and it states that in individual cases when a child is of the age when he or she is required to start elementary education and child requires specialized help of qualified specialists, and a physically sensitive regime, on request of parents (or guardians) and according to an order confirmed by the minister of education and science, a child can be educated in pre-school institutions or at home, according to a specialized program fitted to the individual educational needs of the child.¹¹

Article 35.1 of the Law on Education provides that when a child who, due to illness or a pathological state, is unable to attend a secondary level formal educational institution, conditions are provided at a stationary health care institution or at home to acquire education and evaluation self-sufficiency. The order of such education is prescribed by the minister of education and science in coordination with the minister of health care.¹²

School choice not limited by family income

Article 41.2 of the Constitution states that “education at State and municipal schools of general education, vocational schools and schools of further education shall be free of charge.”¹³ Article 70.1 of the Law on Education of Republic of Lithuania provides that “education in state and municipal school according to pre-school, elementary and secondary programs and vocational programs to acquire first qualification are free of charge.”¹⁴

Since formal elementary and secondary education in state school is provided free of

charge by the state, there is no real issue of whether any parents are able or not to afford schooling for their children does not arise. There are private schools that do charge a tuition fee for attending, but such schooling is a free choice, and therefore, only those who can pay the tuition can choose to school their children in private schools.

Distinctive character

Educational programs/standards are determined by the Minister of Education,¹⁵ according to which each teacher has a freedom to arrange his or her plan of teaching according to a certain subject, depending on the number of hours that the subject is taught at school. This means that a teacher has a right to arrange his or her teaching program, as long as the content requirements determined by the educational standards are met. For example, the last time primary and intermediate education programs were amended was in 2009 and secondary programs in 2011, because it was determined by research, that Lithuanian students have very good memory skills, but poor analytical skills. Therefore, on a state level it was decided to amend the programs, so that students developed better analytical skills. However, the teachers retained a right to create their own teaching program according to the amended content requirements (that means as teacher can choose his or her method of teaching, etc.).

Decisions about admitting pupils

Article 29 of the Law on Education provides that a person has a right to choose a state, municipal or non-state school, as well as change it. There is a right of priority according to which a student is admitted to a school and that is decided according to the place of residence of a student (if he or she resides in the area of a certain state or municipal school). On request of parents (or guardians) a student may be accepted to another school, provided that there are spaces available at the newly selected school. A school which cannot provide a proper education due to objective reasons (insufficient psychological, special educational, special or social pedagogical aid), with consent of the parents (or guardians) and in coordination with psychological and child protection services, may offer that minor to choose a different educational institution.

Non-state schools accept their students according to the criteria set by that particular school. Parents (or guardians) of the student choose such a school on their own free will and consent under acceptance policies provided by the non-state schools.

However, a student is free to change his or her educational institution at any time, if he or she so desires.

Decisions about staff

The formal requirements for an individual to teach at a school are listed in the Law on Education of Republic of Lithuania. Article 48 of the Law provides that an individual who has a qualification of a pedagogue and who has acquired a university degree has a right to teach at an elementary and secondary level formal education institution. The list of qualifications that are considered pedagogical as well as cases when an individual is considered to have a pedagogical qualification is confirmed by the Minister of Education and Science, and teachers are hired according to the order confirmed by this official.¹⁶ Sub article 4 of the same article provides that an individual described in Article 31.5 of the Law on Education can be a teacher of religious studies. The latter article determines that a person is eligible to become a teacher of religious studies if he or she has higher or university degree, or a qualification of a pedagogue, or the required special preparation. Such a person is also required to have recommendations and permit from the leadership of a traditional religious community to teach religious studies.¹⁷

According to provisions of the Law on Education the qualification requirements of managers of all state and municipal public schools are confirmed by the Minister of Education and Science, while managers of non-state schools are appointed according to the general provisions of the labor code. The teachers of both state and non-state schools are appointed by the managers of the schools. The managers are also responsible for drawing up and confirming the job descriptions of the teacher positions.

It is acceptable that a management of a certain school (for example a religious non-state school) sets higher religious or philosophical requirements for some teachers due to the fact that a certain school is oriented towards education based on values of any certain religious background. For example, it would be acceptable that a manager of a Christian non-state school would require that all teachers would support or confess Christian beliefs.

So far, there have been no court cases or rulings in Lithuania involving issues related to acceptance or hiring of teachers by schools.

Accountability for school quality

To ensure that every participant in a compulsory educational program (at a state or non-state school) receives a good quality education, the Law on Education has embedded a quality control mechanism. Article 37 of the Law states that the entity responsible for the quality of education, is the institution which provides education and holds proprietary rights and duties. The state is responsible for the quality of formal education. The same article further elaborates that the notions of education quality are formulated by society, education participants, and education management. The leaders of education management initiate and organize public debates on the purpose, aims, methods of achievement in education, provide research and, according to their competency, implement contractual agreements and adopt strategic decisions. A system is in place to monitor the quality of education: internal and/or external evaluation is carried out regularly, as well as accreditation of school managers and teachers and evaluation of student achievement. The boards of all elementary and secondary schools choose the methodologies of internal evaluation, as well as analyze the evaluation results and adopt decisions regarding improvement of activity. The external evaluation of all secondary and elementary school is implemented periodically and is initiated by the institution that holds the proprietary rights and obligations of the school: state level public schools, municipal institutions for municipal public schools, and the management bodies of non-state schools).¹⁸

Teaching of values

The Law on Education provides these general aims of education: to develop individual values that would allow pupils to become honest, knowledgeable, self-sufficient, patriotic, cultural, communicative member of the society; to determine individual creative skills that would adapt to the ever changing competitive job market; to empower strengths of the society in order to ensure sustainable development of human and material resources of the country, national and international competitiveness, national security and development of a democratic state; to convey national and ethnic virtues, traditions and values of European and global humanity, to ensure conditions for development of mature national consciousness, scientific culture, worldly outlook, as well as to ensure continuation of national and regional cultures, protecting their identity; to provide conditions for an individual to acquire basics of civic and political culture of the democratic tradition, expand individual abilities and experience as a citizen of the Lithuanian, European, and global communities, and as a member of a multicultural society.¹⁹

Article 26.5 of the Constitution of Lithuania states, that parents and guardians of minors

have an unabridged right to take responsibility for the religious and moral education of their children, according to their beliefs and convictions.²⁰ Article 40.1 of the Constitution prescribes that all educational institutions of state and municipal level are secular and that, according to the will of the parents (or guardians), religious teaching is provided.²¹ The Law on Education of Republic of Lithuania details the constitutional provisions related to teaching of religion and ethics at various educational institutions. According to the law, education, in general, aims at developing individual moral values, based on European and humanistic values, cultural and ethnic tolerance.²² The same law prescribes an explicit duty for the parents (and guardians) to develop values of their minor children.²³

Teaching of values *per se* in institutions of compulsory education in Lithuania encompasses two mandatory subjects that are taught – teaching of religion of traditional religious communities or teaching of ethics. No law provides a precise definition for teaching of values, however, the composition of teaching of values can be determined for several different provisions of the Laws on Education. Article 31 of the Law on Education talks about the right to religious education and grants such a right to all participants of compulsory education, as well as provides that religious teaching is part of teaching of values” and “teaching of values is part of elementary and secondary education.”²⁴ Among the obligations prescribed to parents (or guardians) of minors under the age of 14 is an obligation to choose a subject of religious teaching or ethics for the minor to study during the period of compulsory education.²⁵ A minor who has reached age 14, gains a right to choose one of the forms of teaching of values, either religious teaching or ethics.²⁶

The separate subjects of religious teaching and ethics are formed according to qualitative requirements prescribed by the Ministry of Education and Science (Articles 9, 10 of the Law on Education) and are described in detail in a single program for teaching of values.²⁷ The main idea of the requirements for the subjects of religions and ethics is that the former should resemble the principal norms of the recognized religions in Lithuania, and the latter should enable the students to develop an individual personality, able to communicate, present, and coexist in the global society, based on generally accepted values. Non-state schools are free to add focus of religious or moral nature for the subjects of religious or ethical teaching as long as it does not conflict with principal constitutional values.

Endnotes

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- ¹ Law on Education of the Republic of Lithuania, Official Gazette, 1991, No. 23-593;
- ² Article 9.1,3,4 Law on Education of the Republic of Lithuania, Official Gazette, 1991, No. 23-593;
- ³ Article 10, Law on Education of the Republic of Lithuania, Official Gazette, 1991, No. 23-593;
- ⁴ Article 11, Law on Education of the Republic of Lithuania, Official Gazette, 1991, No. 23-593;
- ⁵ Article 41, Constitution of Republic of Lithuania, Official Gazette, 1992, No. 33-1014; (<http://www3.lrs.lt/home/Konstitucija/Constitution.htm>).
- ⁶ Article 38.6, Constitution of Republic of Lithuania, Official Gazette, 1992, No. 33-1014; (<http://www3.lrs.lt/home/Konstitucija/Constitution.htm>).
- ⁷ Law on Education of the Republic of Lithuania, Official Gazette, 1991, No. 23-593;
- ⁸ http://www.aikos.smm.lt/institucijos_registr.htm;
- ⁹ Order of the Minister of Education No.: 2011-08-18 108-4585;
- ¹⁰ http://www.aikos.smm.lt/institucijos_registr.htm;
- ¹¹ Article 9.3; Law on Education of Republic of Lithuania, Official Gazette, 1991, Nr. 23-593;
- ¹² Article 35.1; Law on Education of Republic of Lithuania, Official Gazette, 1991, Nr. 23-593;
- ¹³ Article 41, Constitution of Republic of Lithuania, Official Gazette, 1992, No. 33-1014;
- ¹⁴ Article 70.1; Law on Education of Republic of Lithuania. Official Gazette. 1991, Nr. 23-593;
- ¹⁵ <http://www.smm.lt/ugdymas/docs/Programos2003.pdf>;

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- ¹⁶ Article 49; Law on Education of Republic of Lithuania, Official Gazette, 1991, Nr. 23-593;
- ¹⁷ Article 31.5; Law on Education of Republic of Lithuania, Official Gazette, 1991, Nr. 23-593;
- ¹⁸ Article 37; Law on Education of Republic of Lithuania, Official Gazette, 1991, Nr. 23-593;
- ¹⁹ Article 3; Law on Education of Republic of Lithuania, Official Gazette, 1991, Nr. 23-593;
- ²⁰ Article 26.5; Constitution of Republic of Lithuania, Official Gazette, 1992, No. 33-1014;
- ²¹ Article 40.1; Constitution of Republic of Lithuania, Official Gazette, 1992, No. 33-1014;
- ²² Article 3; Law on Education of Republic of Lithuania, Official Gazette, 1991, Nr. 23-593;
- ²³ Article 47.2.5; Law on Education of Republic of Lithuania, Official Gazette, 1991, Nr. 23-593;
- ²⁴ Article 31.1; Law on Education of Republic of Lithuania, Official Gazette, 1991, Nr. 23-593;
- ²⁵ Article 47.2.4; Law on Education of Republic of Lithuania, Official Gazette, 1991, Nr. 23-593;
- ²⁶ Article 46.1.3; Law on Education of Republic of Lithuania, Official Gazette, 1991, Nr. 23-593;
- ²⁷ http://www.smm.lt/ugdymas/docs/programos/2_Dorinis_ugdymas.pdf ;

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Article 41, Constitution of Republic of Lithuania, Official Gazette, 1992, No. 33-1014; (<http://www3.lrs.lt/home/Konstitucija/Constitution.htm>).

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